

REMARKS

Claims 20-24 are now pending in the application. The Examiner is respectfully requested (1) to withdraw the finality of the Office Action and (2) to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

FINALITY OF OFFICE ACTION

Applicant respectfully submits that the Final Office Action is premature in that it does not state reasons for the rejection of dependent claim 24. Claim 24 was newly added in Applicant's Response to the previous Office Action. In making a final rejection, the Examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof. MPEP 706.07. Applicant accordingly requests that the finality of the present Office Action be withdrawn, and that the status of claim 24 be discussed in a subsequent office action.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-7, 9-11, 13-17, 19-23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Torberg in view of Cherry. This rejection is respectfully traversed.

Claim 20

At the outset, the Applicant submits that the rejection of claim 20 has been rendered moot by an amendment to add features from claim 24 of a cranking means configured to rewind the anchor line and to be pushed into a stowed position within a second recess in the decoy body to resist rotation of the reel. While a crank handle is shown in Torberg (84) and Cherry (26,36) neither reference shows a crank means that may be pushed into a d-shaped recess for resisting reel rotation to secure the anchor. The applicant submits the crank means that rewinds line and is stowable to secure an anchor is distinguished over Torberg and Cherry and is allowable for at least these reasons.

The Office Action further states that it would have been obvious to provide Torberg, which shows a **weighted handle 84 attached to the side of spool reel 68**, with a recess as shown in Cherry to store the reel. However, to combine the reel and weighted handle of Torberg with the teaching of a recess in Cherry would not be logical, since the **reel's weighted handle would not be accessible to permit hand rotation of the reel, if the reel were to rotate within a recess**. Furthermore, the weighted handle on the side of the reel could obstruct rotation of the reel 68 within a recess of a decoy (unlike a weight disposed within a reel). Thus, deployment of the Torberg decoy onto the water would be hindered by the weighted handle interfering with the recess and the anchor's unwinding of line from the reel, and retrieval of the Torberg decoy would be hindered by access to the handle to rotate the reel and rewind the anchor line. Thus, combining a weighted handle in Torberg with Cherry would require a substantial reconstruction and redesign of a decoy body, as well as a change in the basic principle of operating a crank handle for rotating a reel. MPEP 2143.01.

Moreover, Torberg shows a nub 82 that snaps into a slot 76 in a reel 68 to secure the anchor. Torberg does not show a cranking means that may be pushed into a stowed position within a D-shaped recess in the decoy to resist reel rotation and secure the anchor. Rather, Torberg shows a cranking handle 84 on the side of the reel, which is not capable of being pushed into stowed position within a recess in the decoy body.

Claim 20 requires the decoy to have a **weight disposed within a reel that is rotatably mounted within a recess**, for eccentrically weighting the reel. The anchor is of sufficient weight to cause the reel to rotate until the anchor hits bottom, for deploying the decoy in water. To retrieve the decoy, the anchor line is rewound by a **crank means that is then pushed into a D-shaped recess within the decoy to resist reel rotation**.

Paragraph [0006] of the specification states that “through stowage of the integrated cranking means, the anchor is secured”. Paragraphs [0031] and [0032] state that the cranking body 48 can be pushed into a recess 62 in the buoyant body and can engage the D-shaped recess 62 (shown in Fig. 2-3) to resist turning of the reel 26, which accordingly prevents unwinding of the anchor line. Neither Torberg nor Cherry provide motivation to include a weight disposed within a reel rotatably mounted within a recess, or a **crank means that may be pushed into a D-shaped recess within the decoy to resist rotation of the reel** for securing the anchor. As such, the Applicant submits that claim 20 is allowable for at least these reasons.

With regard to claims 21-24, these claims depend from claim 20 which the applicant believes to be allowable in view of the above remarks. As such, Applicant believes claims 21-24 are also allowable for at least these reasons.

Claims 1-19 have been cancelled without prejudice to the subject matter contained therein, and the Applicant expressly reserves the right to re-file these cancelled claims in a subsequent application.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections of claims 20 through 24. It is believed that a full and complete response has been made to the Final Office Action, and as such, the present application is in condition for allowance.

Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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